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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2687

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,807

Applicant(s)

PATTON ET AL.

Examiner

Eliseo Ramos-Feliciano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-10, 12-20, and 22-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Cloutier (US Patent Number 6,459,913).

Regarding **claim 1**, Cloutier discloses a method (column 1, lines 25-67) for selecting user-defined policies (506 – Figure 7) in a computer system including the steps of:

associating a virtual destination avatar (for example: for email message the virtual destination avatar is the combination of 104/108; for fax or voice message the virtual destination avatar is the combination of 104/120/124) with a physical device (e.g. cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302);

examining, by a destination selection system (100; specifically 104 and 106 – Figure 1), user location information (for example “the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56; also “between 8:30 am and 11:30 am on January 26, the subscriber may be reached” – column 6, lines 1-35) of the physical device;

dynamically selecting, for a user, at least one destination avatar to which to send received information (message) based on context information (condition 304 – Figure 6) and user-defined policy-selection rules (506 – Figure 7); and

determining the at least one destination avatar to which the received information is to be delivered based on the context information (condition 304 – Figure 6) and the user-defined policy-selection rules (506 – Figure 7). See column 6, lines 1-67; column 7, lines 41-48.

For clarification, unified alerting device 104 receives a message intended for an user and determines which one of the user's devices should receive the message (column 1, lines 58-60; column 2, lines 60-67). Unified alerting device 104 converts (column 1, lines 61-67) and sends the message to the user's device.

For example, email message is received at server 108 (column 2, lines 46-67). Fax message is received at terminal 124 or LAP 120 (column 3, lines 1-17). Voice message is received at terminal 124 or LAP 120 (column 3, lines 18-42).

The selection of the virtual destination avatar is dynamic as claimed. For email message the virtual destination avatar is the combination of 104/108. For fax or voice message the virtual destination avatar is the combination of 104/120/124. A different user's device is also selected dynamically as described on the citations above.

For example, an email message is received at server 108; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to pager 118 (column 2, lines 46-67). For example, a fax message is received at terminal 124 or LAP 120; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to cellphone 114 (column 3, lines 18-42).

Regarding **claim 2**, Cloutier discloses everything claimed as applied above (see *claim 1*).

In addition, Cloutier further discloses sending, by the at least one destination avatar, the received information to each device (for example: pager, fax, telephone 1, internet – column 6, lines 18-22) associated with the at least one destination avatar (column 6, lines 1-67; column 7, lines 41-48).

Regarding **claim 3**, Cloutier discloses everything claimed as applied above (see *claim 2*).

In addition, Cloutier further discloses that the device is one of: a cellular phone, a personal computer located at a workplace, a laptop computer, personal computer located at a residence, and a camera. For example: cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302.

Regarding **claim 4**, Cloutier discloses everything claimed as applied above (see *claim 1*).

In addition, Cloutier further discloses that the user location information comprises at least one of: a user's behavior, a user's location, location of an individual proximate to the user, an object proximate to the user, the user's recent activities, and the user's planned activities. For example, user's location (“the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56), or user's planned activities (schedule – Figure 6; “between 8:30 am and 11:30 am on January 26, the subscriber may be reached” – column 6, lines 1-35), etc.

Regarding **claim 5**, Cloutier discloses everything claimed as applied above (see *claim 1*).

In addition, Cloutier further discloses that the destination selection system is a designated avatar (column 6, lines 1-67; see citations above).

Regarding **claim 6**, Cloutier discloses everything claimed as applied above (see *claim 1*).

In addition, Cloutier further discloses overriding the automatic selection of the destination avatar (“user may modify” – column 6, lines 13-14).

Regarding **claim 7**, Cloutier discloses a method (column 1, lines 25-67) for dynamically routing (column 3, lines 18-43) received electronic information (message) for a user, including the steps of:

associating a virtual destination avatar (for example: for email message the virtual destination avatar is the combination of 104/108; for fax or voice message the virtual destination avatar is the combination of 104/120/124) with a physical device (e.g. cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302);

utilizing context information (condition 304 – Figure 6; for example “the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56; also “between 8:30 am and 11:30 am on January 26, the subscriber may be reached” – column 6, lines 1-35) together with user-defined policy-selection rules (506 – Figure 7) to determine at least one destination avatar for the received information;

dynamically selecting, for a user, at least one destination avatar to which to send received information (message) based on context information (condition 304 – Figure 6) and user-defined policy-selection rules (506 – Figure 7); and

sending the received electronic information to the at least one destination avatar. See column 6, lines 1-67; column 7, lines 41-48.

For clarification, unified alerting device 104 receives a message intended for an user and determines which one of the user's devices should receive the message (column 1, lines 58-60; column 2, lines 60-67). Unified alerting device 104 converts (column 1, lines 61-67) and sends the message to the user's device.

For example, email message is received at server 108 (column 2, lines 46-67). Fax message is received at terminal 124 or LAP 120 (column 3, lines 1-17). Voice message is received at terminal 124 or LAP 120 (column 3, lines 18-42).

The selection of the virtual destination avatar is dynamic as claimed. For email message the virtual destination avatar is the combination of 104/108. For fax or voice message the virtual destination avatar is the combination of 104/120/124. A different user's device is also selected dynamically as described on the citations above.

For example, an email message is received at server 108; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to pager 118 (column 2, lines 46-67). For example, a fax message is received at terminal 124 or LAP 120; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to cellphone 114 (column 3, lines 18-42).

Regarding **claim 8**, Cloutier discloses everything claimed as applied above (see *claim 7*). In addition, Cloutier further discloses sending, by the at least one destination avatar, the received information to each device associated with the at least one destination avatar (column 6, lines 1-67; column 7, lines 41-48).

Regarding **claim 9**, Cloutier discloses everything claimed as applied above (see *claim 8*). In addition, Cloutier further discloses that the device associated with the at least one destination

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avatar is one of: a cellular phone, a personal computer located at a workplace, a laptop computer, personal computer located at a residence, and a camera. For example: cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302.

Regarding **claim 10**, Cloutier discloses everything claimed as applied above (see *claim 7*). In addition, Cloutier further discloses that the context information comprises at least one of: the user's network address assignment, cellular data from the user's cellular phone, location data for the user, power information from the user's notebook computer, active application data from devices that the user is using, Web site work information and Web site recreational information. For example, location data for the user (“the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56), cellular data from the user's cellular phone (cell phone – Figure 7), Web site work information (internet – Figure 6), etc.

Regarding **claim 12**, Cloutier discloses everything claimed as applied above (see *claim 7*). In addition, Cloutier further discloses that the user-defined policy-selection rules comprise rules that indicate a selected destination avatar for at least one of: urgent messages, work messages, personal messages, personal photographs, messages from a selected group of people to the user when the user is visiting a different office, and messages from people failing to be in the first group of people wherein the messages are sent to the user when the user is visiting a different office. For example, urgent messages (urgency or priority – column 1, lines 46-51), work messages, personal messages, etc. (column 6, lines 1-67).

Regarding **claim 13**, Cloutier discloses everything claimed as applied above (see *claim 12*). In addition, Cloutier further discloses that the messages to the user when the user is in a

different office include at least one of: cellular phone messages, email messages, and pager messages. (Figures 6-7; citations above).

Regarding **claim 14**, Cloutier discloses everything claimed as applied above (see *claim 13*). In addition, Cloutier further discloses that the cellular phone messages, the email messages, and the pager messages have different rules for determining the at least one destination avatar (Figure 7; column 7, lines 41-48; column 6, lines 18-65).

Regarding **claim 15**, Cloutier discloses everything claimed as applied above (see *claim 7*). In addition, Cloutier further discloses overriding the automatic selection of the at least one destination avatar (“user may modify” – column 6, lines 13-14).

Regarding **claim 16**, Cloutier discloses a computer-readable medium for implementing a destination selection system (100 – Figure 1) useful for directing received information (message) in association with a plurality of devices (e.g. cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302) for a user, wherein the plurality of devices are coupled to a computer network (102), the computer network providing a network connection for transmitting received information to a destination selection system for delivery to at least one device of the user, the computer-readable medium having computer-executable instructions for:

associating a destination avatar (for example: for email message the destination avatar is the combination of 104/108; for fax or voice message the destination avatar is the combination of 104/120/124) with a physical device (e.g. cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302);

examining, by a destination selection system (100; specifically 104 and 106 – Figure 1), user location information (for example “the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56; also “between 8:30 am and 11:30 am on January 26, the subscriber may be reached” – column 6, lines 1-35);

dynamically selecting, for a user, at least one destination avatar to which to send received information (message) based on context information (condition 304 – Figure 6) and user-defined policy-selection rules (506 – Figure 7); and

determining the at least one destination avatar to which the received information is to be delivered based on the context information (condition 304 – Figure 6) and the user-defined policy-selection rules (506 – Figure 7). See column 6, lines 1-67; column 7, lines 41-48.

For clarification, unified alerting device 104 receives a message intended for an user and determines which one of the user's devices should receive the message (column 1, lines 58-60; column 2, lines 60-67). Unified alerting device 104 converts (column 1, lines 61-67) and sends the message to the user's device.

For example, email message is received at server 108 (column 2, lines 46-67). Fax message is received at terminal 124 or LAP 120 (column 3, lines 1-17). Voice message is received at terminal 124 or LAP 120 (column 3, lines 18-42).

The selection of the destination avatar is dynamic as claimed. For email message the destination avatar is the combination of 104/108. For fax or voice message the destination avatar is the combination of 104/120/124. A different user's device is also selected dynamically as described on the citations above.

For example, an email message is received at server 108; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to pager 118 (column 2, lines 46-67). For example, a fax message is received at terminal 124 or LAP 120; a corresponding message is sent to unified alerting device 104; it is determined that a message should be sent to cellphone 114 (column 3, lines 18-42).

Regarding **claim 17**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses that the destination selection system is a sorting avatar ("routing" – column 3, lines 18-43).

Regarding **claim 18**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses sending, by the at least one destination avatar, the data to each device (for example: pager, fax, telephone 1, internet – column 6, lines 18-22) associated with the at least one destination avatar (column 6, lines 1-67; column 7, lines 41-48).

Regarding **claim 19**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses that the at least one destination avatar is one of: a cellular phone, a personal computer located at a workplace, a laptop computer, personal computer located at a residence, and a camera. For example: cell phone 310, pager 306, pda 308, fax-1 312, fax-2 314, telephone-1 316, telephone-2 318, internet-1 320, internet-2 322, etc. – Figure 6, element 302.

Regarding **claim 20**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses that the context information comprises at least one of: the user's network address assignment, cellular data from the user's cellular phone, location data for the user, power information from the user's notebook computer, active application data from

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devices that the user is using, Web site work information and Web site recreational information.

For example, location data for the user (“the subscriber is on a trip” – column 2, line 46; “landing location” – column 3, line 56), cellular data from the user's cellular phone (cell phone – Figure 7), Web site work information (internet – Figure 6), etc.

Regarding **claim 22**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses that the user-defined policy-selection rules comprise rules that indicate a selected designation avatar for at least one of: urgent messages, work messages, personal messages, personal photographs, messages from a selected first group of people to the user when the user is visiting a different office, and messages from people failing to be in the first group of people wherein the messages are sent to the user when the user is visiting a different office. For example, urgent messages (urgency or priority – column 1, lines 46-51), work messages, personal messages, etc. (column 6, lines 1-67).

Regarding **claim 23**, Cloutier discloses everything claimed as applied above (see *claim 16*). In addition, Cloutier further discloses executing override instructions (“user may modify” – column 6, lines 13-14).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 11 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier (US Patent Number 6,459,913) in view of Murray (US Patent Application Publication Number 2002/0068583).

Regarding **claims 11 and 21**, Cloutier discloses everything claimed as applied above (see *claims 7 and 20, respectively*). However, Cloutier fails to specifically disclose that the location data is from Global Positioning System receivers.

However, this limitation is well known in the art for the advantage of allowing an accurate and reliable determination of a user's cell phone device location as shown by Murray (page 5, paragraph 0046, lines 11-14). On the cited reference, Murray teaches that GPS provides an accurate method for the wireless communication device (cell phone 32) to determine the current location. Since Cloutier's device is a cell phone, these teaching are combinable.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Cloutier's invention with location data from Global Positioning System receivers because this would allow an accurate and reliable determination of user's location as suggested by Murray.

5. **Claims 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier (US Patent Number 6,459,913).

Regarding **claims 24-26**, they are obvious system implementation claims of method *claims 1-23* explained above. Therefore, they are met by Cloutier's Figure 1 and rejected for the same reasons shown above. For example, Cloutier discloses a destination selection system for automatically selecting a destination avatar for incoming communications for a user, including a routing avatar (e.g. 104), including;

a context information unit (e.g. 106), coupled to a processor and a transceiver, for storing location context information for the user;

a policy rule unit (e.g. 104/106), coupled to the processor and to the transceiver, for storing user policy rule input;

the processor (e.g. inside 104), coupled to the context information unit, the policy rule unit, and the transceiver, for using the location context information and the user policy rule input to select a destination avatar; and

a transceiver (e.g. 112/116), coupled to receive incoming information, the context information unit, the policy rule unit and to the processor, for dynamically selecting, for a user, at least one destination avatar to which to send received information (message) based on context information (condition 304 – Figure 6) and user-defined policy-selection rules (506 – Figure 7) and sending the incoming information to the destination avatar in accordance with the selection of the destination avatar by the processor. (See citations above).

Regarding **claim 25**, Cloutier discloses everything claimed as applied above (see *claim 24*). In addition, Cloutier further discloses using the location context information and the user policy rule input to select a destination avatar comprises determining at least one destination avatar that best fits location context information (column 6, lines 1-67; column 7, lines 41-48).

Regarding **claim 26**, Cloutier discloses everything claimed as applied above (see *claim 24*). In addition, Cloutier further discloses an override unit (this unit is inherent from column 6, lines 13-14) that is coupled to the transceiver and to the processor, for overriding the automatic selection of the destination avatar and providing for revised selection of the destination avatar (“user may modify” – column 6, lines 13-14).

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Even though arguments are moot, for the purpose of clarifying the record the following statements are made:

7. Applicant argues the newly added limitations (underlined) including associating a virtual destination avatar with a physical device (see page 8 of the response). These changes have now been treated on the merits in the rejection above. See above for a detailed consideration of these newly added features.

8. Applicant argues previous Official Notice with respect to claims 11 and 21 (see page 9 of the response).

In response, as per MPEP 2144.03 the rejection has been modified to show documentary evidence. The Examiner submits Murray (US Patent Application Publication Number 2002/0068583) page 5, paragraph 0046, lines 11-14; or Da et al. (US Patent Application Publication Number 2003/0054759) as evidence. Murray was applied above but either one is applicable per MPEP 2144.03.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf

June 24, 2005